

IN RE: PETITION FOR ZONING VARIANCE
S/S Marshall Mill Rd., 1700'
NE of the c/l of Mt. Carmel Rd.
(17905 Marshall Mill Road)
5th Election District
3rd Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-369-A

Louis F. Mathai
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 32 feet in lieu of the required 50 feet for a proposed addition (two-car garage), in accordance with Petitioner's Exhibit 1.

The Petitioner, by Glen R. Davis his son-in-law, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 17905 Marshall Mill Road, consists of 2.3956 acres zoned R.C. 2, and is improved with a single family dwelling. Mr. Davis testified his father-in-law has owned the subject property for the past year for he and his family. Petitioner proposes constructing a two-car garage addition on the side of the existing dwelling which necessitated the requested variance. Mr. Davis testified the proposed location for the garage addition is most appropriate to be compatible with the layout of the existing dwelling and surrounding neighborhood. He further testified that he has spoken to his neighbors who have indicated they have no objections to the proposed addition. Testimony presented indicated there would be no detriment to the health, safety or general welfare of the community if the requested variance is granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare are secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1989 that the Petition for Zoning Variance to permit a side yard setback of 32 feet in lieu of the required 50 feet for a proposed addition (two-car garage), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) Petitioner shall not allow or cause the proposed two-car garage addition to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Mr. Louis F. Mathai
112 Warren Road
Cockeysville, Maryland 21030

RE: PETITION FOR ZONING VARIANCE
S/S Marshall Mill Road, 1700' NE of the c/l of Mt. Carmel Road
(17905 Marshall Mill Road)
5th Election District - 3rd Councilmanic District
Louis F. Mathai - Petitioner
Case No. 89-369-A

Dear Mr. Mathai:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 434-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Glen R. Davis
17905 Marshall Mill Road
Hampstead, Maryland 21074

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1400.2.B.3 (B111 No. 100, 1978, R.D.P.)

To permit a 32' side yard setback in lieu of the minimum 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty)

This restriction makes it impossible to add an attached garage to the existing house in a manner consistent with the rest of the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

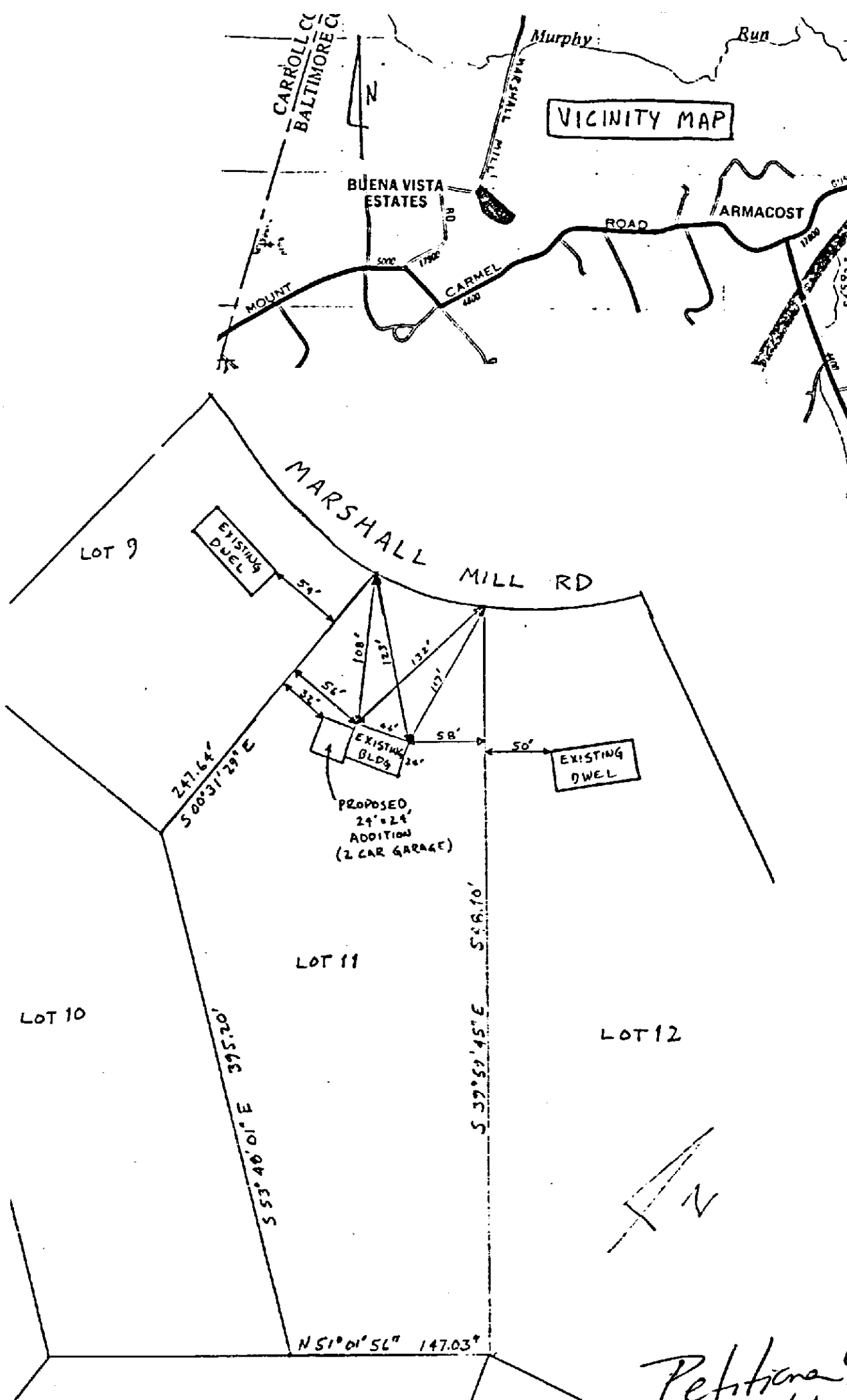
Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s):
Louis F. Mathai
(Type or Print Name)
Signature _____
(Type or Print Name)
Signature _____
112 Warren Rd. 666-0674
Address Phone No.
Cockeysville, MD 21030
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Glen R. Davis
Name 17905 Marshall Mill Rd.
Hampstead, MD 21074 374-2412
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of March, 1989, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)



PLAT FOR ZONING VARIANCE
OWNER - LOUIS F. MATHAI
DISTRICT - 5
LOT 11, PLAT 1, "BUENA VISTA ESTATES"
LIGER 39 FOLIO 50
CURRENT ZONING - RC2
OLD - RDP

SCALE: 1" = 100'
LOT SIZE: 45,924 sq ft
2.3956 acres

ZONING DESCRIPTION

Beginning on the south side of Marshall Mill Road, at a distance of 3530 feet east of Mount Carmel Road, proceed 89 feet radially (radius equal 277 feet) east along Marshall Mill Road, 548 feet south 39 deg 59'45" east, 147 feet south 51 deg 01'56" west, 395 feet north 53 deg 48' 01" west, 248 feet north 00 deg 31' 29" west. Being Lot 11, Plat 1, in the subdivision of Buena Vista Estates. Book No. 39 Folio 50. Also known as 17905 Marshall Mill Road in the 5th Election District.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein on March 15th at 10:00 a.m. at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance Case number 89-369-A S/S Marshall Mill Road, 1700' NE of Mt. Carmel Road 5th Election District 3rd Councilmanic District

Public Hearing: Wednesday, March 15, 1989 at 10:00 a.m.

In the event that the Petition is granted, the Zoning Commission may be asked to consider a request for a variance to permit a 32' side yard setback in lieu of the minimum 50'.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2588 Feb. 23

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 23, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 23, 1989.

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

PO 09824
ry M 25284
price 39.40

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 1, 1989.

TOWSON TIMES,

S. Zabe Olson
Publisher

PO 09824
ry M 25284
price \$60.90

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-369-A

District: 5th
Posted for: Variance
Petitioner: Louis F. Mathai
Location of property: S/S of Marshall Mill Road, 1700' NE of Mt. Carmel Road, 5th Election District, 3rd Councilmanic District
Location of Sign: Along front of 17905 Marshall Mill Road
Remarks: S. Zabe Olson
Posted by: S. Zabe Olson
Number of Signs: 1
Date of Posting: 2-22-89
Date of return: 3-2-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 3/6/89

Mr. Louis F. Mathai
112 Warren Road
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance
CASE NUMBER: 89-369-A
S/S Marshall Mill Road, 1700' NE c/l Mt. Carmel Road
17025 Marshall Mill Road
5th Election District - 3rd Councilmanic
Petitioner(s): Louis F. Mathai
HEARING SCHEDULED: WEDNESDAY, MARCH 15, 1989 at 10:00 a.m.

Dear Mr. Mathai:

Please be advised that \$115.30 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 067470

DATE: 3/15/89 ACCOUNT: R01-615-000

AMOUNT: \$ 115.30

RECEIVED FROM: Louis F. Mathai

FOR: PA 3/15/89 hearing 89-369-A

8 025*****1152018 3100F

VALIDATION OR SIGNATURE OF CASHIER

post set(s), there
each set not

er of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 15, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-369-A
S/S Marshall Mill Road, 1700' NE c/l Mt. Carmel Road
17905 Marshall Mill Road
5th Election District - 3rd Councilmanic
Petitioner(s): Louis F. Mathai
HEARING SCHEDULED: WEDNESDAY, MARCH 15, 1989 at 10:00 a.m.

Variance to permit a 32 ft. side yard setback in lieu of the minimum 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Louis F. Mathai
Glen R. Davis
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrell); 89-378-A (Lin); 89-379-A (Freundlich); 89-387-A (Babikow) and 89-393-A (Lubman)

The Office of Planning and Zoning has no comment on the above listed petitions.

PK/sf

RECEIVED
MAR 15 1989
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

March 1, 1989

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295 & 296.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
MAR 3 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

February 6, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Louis F. Mathai
Location: S/S of Marshall Mill Road, 1,700' NE
of the centerline of Mt. Carmel Road
Item No.: 277
Zoning Agent: Meeting of January 24, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: R.H. Reincke 2-8-89
PLANNING GROUP
Special Inspection Division

NOTED & APPROVED: John F. O'Neill
Fire Prevention Bureau

/s/